

Natural Resource Damages Assessment and Restoration:

Oil Releases to Surface Waters & Oil/Hazardous Materials Releases to Groundwater

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Natural Resources Held in Trust for the Public by the Commonwealth

Resources include:

Biota (fish and wildlife)
Surface Water
Groundwater
Air
Soils and Sediment

Services provided by Natural Resources include:

Fishing, hunting and shellfishing
Habitat for wildlife
Recreation
Spiritual or cultural use
Water supply

When oil spills or releases of hazardous materials, cleanup and assessment occur

Cleanup

Determine nature and extent of contamination

Evaluate, select and take actions to eliminate or reduce risks to human health and the environment

Damages Assessment

Determine type and extent of injuries to natural resources

Evaluate, select and take actions to restore natural resources that compensates the public for injuries

Natural Resource Damages Authority and Trustees

| <u>Massachusetts General Laws:</u> | <u>Federal Laws:</u> |
|---|--|
| <ul style="list-style-type: none">• Chapter 21E, sections 5A and 11A• Chapter 21A section 2A | <ul style="list-style-type: none">• Superfund (CERCLA)• Oil Pollution Act of 1990 |
| <u>State Trustee:</u> | <u>Federal Trustees:</u> |
| <ul style="list-style-type: none">• Secretary of Energy and Environmental Affairs• MassDEP delegated authority to administer NRD Program | <ul style="list-style-type: none">• National Oceanic and Atmospheric Administration• U.S. Fish and Wildlife Service• Federally recognized Tribes |

Over \$76 million in Natural Resource Damages settlements in Massachusetts

New Bedford Harbor \$20 M

GE/Housatonic \$15 M

Fireworks (Tronox) \$6.8 M

Bouchard B-120 \$19.3 M

IndustriPlex \$4.3 M

Nyanza \$3.1 M

Sutton Brook Disposal Area
\$1.65 M

Textron/MMR \$1.3 M

Charles George \$1.2 M

Blackburn & Union \$1 M

Rubchinuk \$747,000

Holyoke Coal Tar \$500,000

Global/Irving \$312,500

Island End \$300,000

Reed & Barton \$236,447

Framingham GM \$157,425

PSC Palmer \$157,000

Posavina \$155,000

JP Noonan \$55,100

Colrain Acid Spill \$30,000

Hallmark/Mystic \$26,801



Stakeholder Input: oil to surface waters and oil/hazardous materials to groundwater

- Jan & May 2018: SAC meetings
- March 2018: Stakeholder meeting
- May 2018: Written comments
- **Participants:**
- NE Convenience Store & Energy Marketer Assoc
- Mass Petroleum Council
- MassAudubon
- Mass Water Works Association
- LSP Association
- Mass Association of Conservation Commissions
- City of Medford
- City of Worcester
- Mystic River Watershed Association
- Connecticut River Conservancy
- Seth Jaffe, Foley Hoag
- Ron Ruth, Sherin & Lodgen

Response to Comments in Process

- Clarification: 21J
 - 1 out of 517 RTNs used in the standard oil spill to surface waters method model run
 - 51 out of 265 RTNs evaluated for oil and oil/hazardous materials releases to groundwater
- Changes: Groundwater
 - MassDEP will continue to conduct site-specific NRD assessments for oil and oil/hazardous materials releases to groundwater

Response to Comments in Process

- Clarification: Baseline
 - Source of data
 - Role of LSP
 - Application of Special Resources Factor
- Changes: Baseline
 - Use existing MassGIS data and build an online tool that will generate baseline value
 - Integrate special resources into baseline and eliminate that factor from the cost of restoration

Next Steps

- Completing and posting Response to Comments
- Conducting cost-benefit analysis with assistance from Industrial Economics, Inc.
- Public hearing draft and supporting materials released following MCP revisions